

Fill in this information to identify the case

Debtor 1 Linda Marie Patton FKA Linda Marie Ball, AKA Linda B Patton

Debtor 2 _____
(Spouse, if filing)

United States Bankruptcy Court for the: EASTERN District of PENNSYLVANIA
(State)

Case number 23-10105

Official Form 410

Proof of Claim

04/22

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. **Do not send original documents**; they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

Part 1: Identify the Claim

1. Who is the current creditor?	<p><u>PNC Bank, National Association</u> Name of the current creditor (the person or entity to be paid for this claim)</p> <p>Other names the creditor used with the debtor <u>National City Bank</u></p>		
2. Has this claim been acquired from someone else?	<p><input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____</p>		
3. Where should notices and payments to the creditor be sent? Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	<p>Where should notices to the creditor be sent?</p> <p><u>PNC Bank, N.A.</u> Name</p> <p><u>P.O. Box 94982</u> Number Street</p> <p><u>Cleveland OH 44101</u> City State ZIP Code</p> <p>Contact phone <u>866-622-2657</u></p> <p>Contact Email: <u>bankruptcy.claims@pnc.com</u></p>	<p>Where should payments to the creditor be sent?</p> <p>Name</p> <p>Number Street</p> <p>City State ZIP Code</p> <p>Contact phone _____</p> <p>Contact Email: _____</p>	
<p>Uniform claim identifier for electronic payments in chapter 13 (if you use one): -----</p>			
4. Does this claim amend one already filed?	<p><input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Claim number on court claims (if known) _____ Filed on _____ MM / DD / YYYY</p>		
5. Do you know if anyone else has filed a proof of claim for this claim?	<p><input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Who made the earlier filing? _____</p>		

Part 2:

Give information About the Claim as of the Date the Case Was Filed

6. Do you have any number you use to identify the debtor?	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: <u>6244</u>	
7. How much is the claim?	<u>\$241,118.97</u>	Does this amount include interest or other charges?
		<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A)
8. What is the basis of the claim?	Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card. Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c). Limit disclosing information that is entitled to privacy, such as health care information. <u>Money Loaned</u>	
9. Is all or part of the claim secured?	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes. The claim is secured by a lien on property. Nature of property: <input checked="" type="checkbox"/> Real estate. If the claim is secured by the debtor's principal residence, file a <i>Mortgage Proof of Claim Attachment (Official Form 410-A) with this Proof of Claim.</i> <u>121 Davis Rd, Malvern, PA 19355</u> <input type="checkbox"/> Motor vehicle <input type="checkbox"/> Other. Describe: _____	
	Basis for perfection: <u>Foreclosure judgement on note and mortgage-see attached</u> Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)	
	Value of property: \$ _____	
	Amount of the claim that is secured: <u>\$241,118.97</u>	
	Amount of the claim that is unsecured: <u>\$0.00</u> (The sum of the secured and unsecured amounts should match the amount in line 7.)	
	Amount necessary to cure any default as of the date of the petition: <u>\$241,118.97</u>	
	Annual Interest Rate (when case was filed) <u>6.0%</u> <input checked="" type="checkbox"/> Fixed <input type="checkbox"/> Variable	
10. Is this claim based on a lease?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Amount necessary to cure any default as of the date of the petition. \$ _____	
11. Is this claim subject to a right of setoff?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Identify the property: _____	

<p>12. Is all or part of the claim entitled to priority under 11 U.C.C. § 507(a) A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority</p>	<input checked="" type="checkbox"/> No	Amount entitled to priority \$ _____ \$ _____ \$ _____ \$ _____ \$ _____ \$ _____ \$ _____
	<input type="checkbox"/> Yes. Check all that apply: Amount entitled to priority	
	<input type="checkbox"/> Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).	
	<input type="checkbox"/> Up to \$3,350* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).	
	<input type="checkbox"/> Wages, salaries, or commissions (up to \$15,150*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).	
	<input type="checkbox"/> Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).	
	<input type="checkbox"/> Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).	
	<input type="checkbox"/> Other. Specify subsection of 11 U.S.C. § 507(a)(____) that applies.	

* Amounts are subject to adjustment on 4/01/25 and every 3 years after that for cases begun on or after the date of adjustment.

Part 3: Sign Below

The person completing this proof of claim must sign and date it.
FRBP 9011(b)

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both.
18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

I am the creditor.
 I am the creditor's attorney or authorized agent.
 I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.
 I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this Proof of Claim serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this Proof of Claim and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date 03/23/2023
MM / DD / YYYY

/s/ Adam B. Hall

Signature

Print the name of the person who is completing and signing this claim:

Name Adam B. Hall
 First name Adam B. Middle name Last name Hall

Title Authorized Agent for Creditor

Company Manley Deas Kochalski LLC
 Identify the corporate servicer as the company if the authorized agent is a servicer.

Address P.O. Box 165028
 Number Street

Columbus, OH 43216-5028
 City Columbus State OH ZIP Code 43216-5028

Contact phone 614-220-5611 Email amps@manleydeas.com

Statement of Total Debt

Debtor(s): Linda Marie Patton FKA Linda
Marie Ball, AKA Linda B Patton Creditor: PNC Bank, National Association

Case #: 23-10105

Chapter #: 13 Loan #: 6244

Total Debt \$241,118.97

Principal.....	\$232,015.54
Interest	\$9,103.43

TOTAL: \$241,118.97

This total cannot be relied upon as a payoff or reinstatement quotation. In order to obtain a payoff or reinstatement quote you must contact the creditor directly or the law firm representing this creditor.

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:

**Linda Marie Patton FKA Linda Marie
Ball, AKA Linda B Patton**

:
: Case No.: 23-10105
: Chapter 13
: Judge Ashely M. Chan
: * * * * *

Debtor(s)

PNC Bank, National Association

Movant, : **Date and Time of Hearing**

vs

**Linda Marie Patton FKA Linda Marie
Ball, AKA Linda B Patton
Daniel J Patton
Kenneth E. West**

:
: **Place of Hearing**
: _____
:
: **U.S. Bankruptcy Court**
: **900 Market Street, Suite 400, Courtroom #4**
: **Philadelphia, PA, 19107**
:

Respondents.

CERTIFICATE OF SERVICE

This is to certify that a true and accurate copy of the foregoing Proof of Claim was served on the Debtor, counsel for the Debtor, the trustee, and other parties in interest at the addresses set forth below via e-mail notification.

Office of U.S. Trustee, Party of Interest, (Registered address)@usdoj.gov

Kenneth E. West, Chapter 13 Trustee, 1234 Market Street - Suite 1813, Philadelphia, PA 19107, ecfemails@ph13trustee.com

DAVID M. OFFEN, Attorney for Linda Marie Patton FKA Linda Marie Ball, AKA Linda B Patton, 601 Walnut Street, Suite 160 West, Philadelphia, PA 19106, dmo160west@gmail.com

DATE: 03/23/2023

/s/ Adam B. Hall

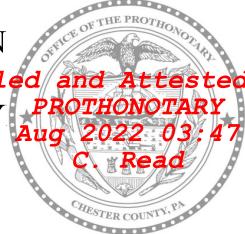
Manley Deas Kochalski LLC
P.O. Box 165028
Columbus, OH 43216-5028
Telephone: 614-220-5611
Fax: 614-627-8181
Authorized Agent for Creditor
Contact email is amps@manleydeas.com

PNC BANK NATIONAL ASSOCIATION,
SUCCESSOR BY MERGER TO NATIONAL
CITY BANK
vs.

LINDA B. PATTON a/k/a LINDA BALL
PATTON and DANIEL J. PATTON

: IN THE COURT OF COMMON
: CHESTER COUNTY, PENNSY
: CIVIL ACTION – LAW
: NO. 2020-02007-RC

*Filed and Attested by
PROTHONOTARY
09 Aug 2022 03:47 PM
C. Read*



ORDER and MEMORANDUM

AND NOW, this 9th day of August, 2022, upon consideration of Plaintiff's Motion for Summary Judgment filed May 3, 2022, no response thereto and for the reasons set forth in the attached Memorandum, it is hereby **ORDERED** and **DECreed** that the Motion is **GRANTED** and an *in rem* judgment shall be entered in favor of Plaintiff and against Defendants in the amount of \$232,015.54 and interest from April 5, 2022 at the per diem rate of \$31.94 plus other costs and charges collectible under the Mortgage for foreclosure and sale of the mortgaged premises.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Bret M. Binder".

BRET M. BINDER, J.

MEMORANDUM

This is a mortgage foreclosure action for Defendants' failure to make the required payments due beginning May 28, 2019 and for every month thereafter. The loan matured on November 28, 2019. For reasons stated below, this Court grants Plaintiff's Motion for Summary Judgment.

Summary judgment may only be granted in those situations where there is no genuine issue as to a material fact and the moving party is entitled to judgment as a matter of law. Swords v. Harleysville Ins. Companies, 883 A.2d 562, 567 (Pa. 2005). In their Answer to Plaintiff's Complaint, Defendants, responding *pro se*, answer with "TBD" regarding Plaintiff's allegations of default and amount owed. See, Defendants' Answer, Paragraphs 5-6. Defendants admit the remainder of Plaintiff's Complaint. Id. General denials in a mortgage foreclosure action as to the principal and interest owing are deemed admissions of those facts. First Union Trust Company v. Strausser, 653 A.2d 688, 692 (Pa. Super. 1995). As Defendants failed to specifically deny the amount of the mortgage and the fact that the mortgage is in default, summary judgment in the amount of the principal, interest and late fees is proper. Landau v. Western Pennsylvania National Bank, 282 A.2d 335, 340 (Pa. 1971). Additionally, Defendants have failed to answer Plaintiff's Motion so summary judgment may be entered against them. See, Pa.R.C.P. No. 1035.3(d).

Accordingly, and for the reasons set forth above, this Court shall enter the above Order granting Plaintiff's Motion for Summary Judgment.